



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

May 9, 2008

Lewis County Department of Public Works  
Attn: Debbie Knecht  
2025 NE Kresky Avenue  
Chehalis, WA 98532

Re: Extensions of Short Term Permit No(s). **S2-30329, S2-30330, S2-30331**

Dear Ms. Knecht:

On March 13, 2008, Debbie Knecht of Lewis County Department of Public Works requested an extension to the above-referenced Short Term Permits. These permits entitle the county to pump water from various creeks and streams into tanker trucks for the purpose of dust control and road maintenance throughout Lewis County.

The proposed withdrawal locations are located within several watersheds: Nisqually River Watershed (WRIA 11), the Upper Chehalis Watershed (WRIA 23), and the Cowlitz River Watershed (WRIA 26).

**These short-term withdrawals shall be extended until September 30, 2012, to coincide with the existing Hydraulic Project Approval (HPA) permit expiration date. The permitted withdrawal sites and quantities are listed in the attached spreadsheet.**

Water will be diverted using centrifugal pumps capable of pumping up to 300 gallons per minute (0.67 cubic-feet per second). The projects will begin May 1, and be completed on September 30, of each calendar year.

**Short Term Permit S2-30331**

Short Term Permit S2-30331 will divert a total of 173,000 gallons or 0.53 acre-feet per year of water from various surface water streams in the Chehalis River Watershed during the period of May 1 to September 30. The Chehalis River Watershed is subject to the provisions of Chapter 173-522 WAC.

This short term permit was approved June 29, 2006, identifying certain streams that are closed during peak summer months. This extension will be approved with specific conditions as outlined below.

- WAC 173-522-050 closes Lincoln Creek, Bunker Creek, Stearns Creek, and Mill Creek, to consumptive uses from May 1 to October 31. Therefore, **this permit will not be approved for withdrawals from those sources.**
- The Skookumchuck River is closed from July 1 to September 30, and subject to low



flows for the remainder of the year. **This permit will not be approved for withdrawals from the Skookumchuck from July 1 to September 30. Low flow requirements must be met before withdrawals are allowed the remainder of the season.**

- In addition, WAC 173-522-030 sets minimum flow requirements which must be met in Newaukum River, Elk Creek, and the Chehalis River before withdrawals are allowed. **This permit will be conditioned with the low flow provisions.**

#### **Short Term Permit S2-30330**

Short Term Permit S2-30330 will divert a total of 248,000 gallons or 0.76 acre-feet per year from various surface water streams in the Cowlitz River Watershed from May 1 to September 30.

Although regulatory instream flows do not exist on Rainy Creek, the Department of Fisheries has recommended that a minimum instream flow of 5 cubic-feet per second be maintained and that recommendation is made a condition of this permit.

#### **Short Term Permit S2-30329**

Short Term Permit S2-30329 will divert a total of 24,000 gallons or 0.07 acre-feet per year from various surface water streams in the Nisqually River Watershed from May 1 to September 30.

#### **Conclusions and Recommendations**

If the recommendations of the Department of Fish and Wildlife are followed and conditions of this permit are met, I find that water is available on a limited basis and I do not anticipate any impairment of existing water rights or regional water resources. The project is for a short term beneficial use and is not detrimental to the public's welfare.

In response to Lewis County Department of Public Works' request for a short term permit extension, this letter constitutes authorization to divert water for dust control and road maintenance from various points in WRIAs 11, 23, and 26. **Accordingly, this letter serves as Short Term Permit No(s). S2-30329, S2-30330, and S2-30331, which is issued subject to the following conditions:**

1. This temporary permit is effective May 1 through September 30, and shall expire September 30, 2012.
2. This temporary permit authorizes a withdrawal of up to 0.67 cfs.
3. This temporary permit is subject to recommendations by the Department of Fish and Wildlife as indicated in the Hydraulic approval issued April 8, 2008 (expiration date September 30, 2012).
4. A minimum of 5 cfs must be maintained in Rainy Creek.
5. This authorization is subject to the provisions of Chapter 173-522 WAC, as adopted in Olympia, WA, March 10, 1976, and the general rules of the Department of Ecology as specified under Chapter 173-500, and others.

Base flows have been established at monitoring station 12025000, Newaukum River near Chehalis, located at mile 4.1, Section 9, Township 13N, Range 2 W.W.M., and monitoring station 12031000, Chehalis River at Porter, located at mile 33.3, Section 28, Township 17N, Range 5 W.W.M. These flows, as presented in the attached table, shall be maintained by regulation of diversions set forth in WAC 173-522-020(2).

No diversion of water, under this short term permit, shall take place when the flow of the river falls below the flows noted above.

Flow levels should be monitored by consulting the Department of Ecology's Instream Flow Data Website at: [http://www.ecy.wa.gov/programs/wr/instream-flows/irpp\\_wrp.html](http://www.ecy.wa.gov/programs/wr/instream-flows/irpp_wrp.html)

Real-time flow information is also available at the USGS's website: [http://waterdata.usgs.gov/wa/nwis/current/?type=chehalis&group\\_key=basin\\_cd](http://waterdata.usgs.gov/wa/nwis/current/?type=chehalis&group_key=basin_cd)

If water levels approach minimum flows, Ecology will mail a notice to all interruptible water right holders. The notice will include directions for you to call a toll-free river flow information line for daily updates. Note, however, that you are responsible for monitoring flow levels in any case and ensuring that you are in compliance with the terms of this permit.

6. If impairment of junior or senior water rights should occur, such impairment would be grounds for curtailment or cessation of any diversion resulting from this short term permit that causes such impairment.
7. The amount of water diverted, date of diversion, and place of diversion shall be recorded and submitted to Ecology by January 31<sup>st</sup> of each calendar year.
8. This permit is issued subject to Washington Department of Fish and Wildlife screening criteria as outlined in a hydraulic project approval.
9. **This temporary permit expires on September 30, 2012**, unless sooner revoked by the Department of Ecology.

### ***Your Right to Appeal***

You have a right to appeal this decision. To appeal this you must:

- File your appeal with the Pollution Control Hearings Board within 30 days of the "date of receipt" of this document. Filing means actual receipt by the Board during regular office hours.
- Serve your appeal on the Department of Ecology within 30 days of the "date of receipt" of this document. Service may be accomplished by any of the procedures identified in WAC 371-08-305(10). "Date of receipt" is defined at RCW 43.21B.001(2).

Be sure to do the following:

- Include a copy of this document that you are appealing with your *Notice of Appeal*.
- Serve and file your appeal in paper form; electronic copies are not accepted.

**1. To file your appeal with the Pollution Control Hearings Board**

Mail appeal to:

The Pollution Control Hearings Board  
PO Box 40903  
Olympia WA 98504-0903

OR Deliver your appeal in person to:

The Pollution Control Hearings Board  
4224 – 6th Ave SE Rowe Six, Bldg 2  
Lacey WA 98503

**2. To serve your appeal on the Department of Ecology**

Mail appeal to:

The Department of Ecology  
Appeals Coordinator  
P.O. Box 47608  
Olympia WA 98504-7608

OR Deliver your appeal in person to:

The Department of Ecology  
Appeals Coordinator  
300 Desmond Dr SE  
Lacey WA 98503

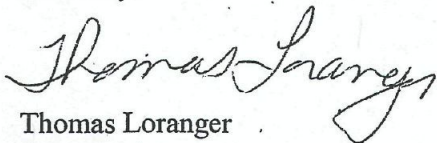
**3. And send a copy of your appeal to:**

Thomas Loranger  
Department of Ecology  
Southwest Regional Office  
PO Box 47775  
Olympia WA 98504-7775

*For additional information visit the Environmental Hearings Office Website:  
<http://www.eho.wa.gov> . To find laws and agency rules visit the Washington State Legislature  
Website: <http://www1.leg.wa.gov/CodeReviser> .*

If you have any questions, please contact Amy Nielson at (360) 407-6116.

Sincerely,



Thomas Loranger  
Section Manager  
Water Resources Program